

REMARKS AND ARGUMENTS

Drawings

The Examiner's comments regarding the drawings have been noted. Applicant has submitted corrected drawing sheets that address the Examiner's objections.

Specification

The specification has been amended in places to correct typographical errors.

Figure 1 has been replaced to reflect the version of Figure 1 which was originally filed.

Claim Rejections - 35 USC § 112

The Examiner has rejected claims 6 and 16 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the limitation "the legs of said U-shaped elevated slot" does not have sufficient antecedent basis. Claims 6 and 16 were amended to correct this problem. Applicant submits that these claims meet the requirements of 35 U.S.C. 112 and request that the Examiner withdraw the rejections under this section.

Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1, 3, 4, 8-11, 13, 14 and 18 under 35 U.S.C. 102(b) as being anticipated by Ohama (US 6,095,934 A) (hereafter "Ohama"). Of these rejected claims,

claims 1 and 11 are independent. Although Applicant respectfully disagrees with the Examiner's analysis of the prior art, claims 1 and 11 have been amended to more fully describe the subject matter therein.

Ohama does not teach, suggest or disclose all of the limitations of Applicant's claims 1 and 11. Both claims require a holstering system integral to a tether housing and "arranged to allow an electronic personal device to be mounted to said tether housing with said extendable/retractable tether attached to said personal device". Ohama teaches a multi-purpose retractable golf accessory that has a housing 110 with a divot tool 180 and a cleaning tool 190 which are attached to the housing 110 using a retractable cord 162. Ohama further teaches a recessed surface 140 which "is preferably formed of a magnetic material suitable for securely holding a metallic ball marker 104 therein". (See Ohama: column 3, lines 24-27; FIG.1).

Ohama does not anticipate claims 1 and 11 for several reasons. For example, the ball marker is not an electronic personal device as required by Applicant's claims 1 and 11. Additionally, Ohama does not teach that the ball marker is mounted to the tether housing with a tether. Instead, Ohama teaches a divot tool and a cleaning tool which dangle loosely from a retractable cord. Neither object connected to the cord is mounted to the housing as required by claims 1 and 11. Furthermore, there is no teaching or suggestion that either the divot tool or the cleaning tool could be mounted to the housing.

This distinction is critical because Applicant's claims 1 and 11 disclose a device that allows an electronic personal device to be extended away from the housing and used while remaining attached to the tether which prevents the personal device from falling to the ground and becoming damaged. In the golf accessory taught by Ohama, the only object stored in the

recess, i.e., the ball marker, is not connected to the cord and thus is free to fall to the ground should it come free from the recessed surface at any time.

Because Ohama does not teach, suggest or disclose all of the limitations of claims 1 and 11, those claims are not anticipated by the reference.

Claims 3, 4 and 8-10 depend from allowable claim 1 and, as such, are also allowable.

Claims 13, 14 and 18 depend from allowable claim 11 and, as such, are also allowable.

The Examiner has rejected claims 1-4, 7-14, 17 and 18 under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 5,524,749 A) (hereafter "Thompson").

Applicant submits that Thompson does not teach, suggest or disclose all of the limitations of claims 1 and 11. Thompson teaches a safety card case for machine readable cards. It does not, however, teach a holstering system "arranged to allow an electronic personal device to be mounted to said tether housing with said extendable/retractable tether" as required by claims 1 and 11. Thompson teaches an enclosure 12 which "is generally rectangular shape and dimensioned for storage of machine readable cards". (See Thompson: column 2, lines 45-49). There is no suggestion that this device could be modified to accommodate a personal electronic device or that such a modification would even be desirable. Furthermore, Thompson does not teach a holstering system having a "U-shaped elevated slot" feature as required by claims 1 and 11.

Because Thompson does not teach all the limitations of Applicant's claims 1 and 11, those claims are not anticipated by the reference.

Claims 2-4 and 7-10 depend from allowable claim 1 and, as such, are also allowable.

Claims 12-14, 17 and 18 depend from allowable claim 11 and, as such, are also allowable.

The Examiner has rejected claims 1, 4, 8-11, 14 and 18 under Decoteau (US 6,502,727) (hereafter "Decoteau").

Applicant submits that Decoteau does not teach, suggest or disclose all the limitations of Applicant's claims 1 and 11. Claims 1 and 11 both require a holstering system "integral to said tether housing and arranged to allow a personal device to be mounted to said tether housing". Decoteau does not teach an integral holstering system. Instead, Decoteau teaches a depression 16 that cooperates with a connector element 20, both of which are necessary to mount the electronic device to the housing 12. The housing and the connector element are magnetically attracted. (See Decoteau: column 3, lines 1-19). Applicant provides a holstering system that is integral to the housing and requires no loose pieces to holster a personal electronic device. One advantage of this configuration is that the personal device may be securely holstered before the device is connected to the tether without fear of the personal device dislodging from the holstering system. Thus, the device may be holstered and then subsequently tethered. Furthermore, Thompson does not teach a holstering system having a "U-shaped elevated slot" feature as required by claims 1 and 11.

Because Decoteau does not teach, suggest or disclose all the limitations of Applicant's claims 1 and 11, those claims are not anticipated by the reference.

Claims 1, 4 and 8-10 depend from allowable claim 1 and, as such, are also allowable.

Claims 14 and 18 depend from allowable claim 11 and, as such, are also allowable.

The Examiner has rejected claims 1, 4, and 8-10 under 35 U.S.C. 102(e) as being anticipated by Wong (US 6,546,103 B1) (hereafter "Wong").

Wong does not teach, suggest or disclose all of the limitations of Applicant's claim 1. As amended, claim 1 requires a holstering system comprising "a substantially U-shaped elevated slot." Wong does not teach this limitation. Instead, Wong teaches a holding plate 30 that is designed to mate with a retaining plate 23 which is located on the back side of leather case 21 for a mobile phone. The holding plate/retaining plate combination is not capable of pivoting or rotating; it is fixed in position. Claim 1 discloses a U-shaped elevated slot which is capable of holding a pivoting ball. The pivotal ball type of mounting system is widely used with personal electronic devices in the industry. Thus, the holstering system of claim 1 is compatible with many popular personal devices already on the market.

Because Wong does not teach all the limitations of claim 1, claim 1 is not anticipated by the reference.

Claims 4 and 8-10 all depend from allowable claim 1 and, as such, are also allowable.

For at least the reasons stated above, Applicant respectfully requests the withdrawal of the rejections of claims 1-4, 7-14, 17 and 18 under 35 U.S.C. § 102.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 11, 14 and 18 under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Decoteau.

As discussed above with respect to claim 1, Wong does not teach the U-shaped elevated slot feature of the holstering system of claim 11. Nor does Decoteau teach this limitation. The references, taken individually or in combination, do not teach all of the limitations of claim 11. Claim 11 is allowable. Claims 14 and 18 depend from claim 11 and are also allowable.

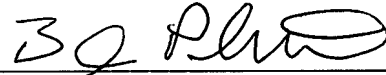
The Examiner has rejected claims 5, 6, 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Decoteau or Wong in view of Tien (US 5,620,120 A) (hereafter "Tien"). Claims 5 and 15 are canceled. Applicant notes that claim 6 depends from allowable claim 1 and claim 16 depends from allowable claim 11. As such, these dependent claims are also allowable.

For at least the reasons stated above, Applicant respectfully requests the withdrawal of the rejections of claims 6, 11, 14, 16 and 18 under 35 U.S.C. § 103.

CONCLUSION

Applicant submits that claims 1-4, 6-14 and 16-18 are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Brian J. Philpott
Attorney for Applicant
Registration No. 58,688

July 19, 2007

KOPPEL, PATRICK, HEYBL & DAWSON
555 St. Charles Drive, Suite 107
Thousand Oaks, CA 91360
Phone 805 373 0060,
Fax 805 373 0051